

Appl. No. 09/547,663

Amdt. dated July 18, 2005

Reply to Office action of September 15, 2004 in view of Notice of Appeal

REMARKS

Reconsideration is respectfully requested. Claims 1-3 and 5-19 were present in the application. Claims 1 and 17 are amended herein. Claims 7-16 and 19 are canceled. Claim 4 was previously canceled.

Applicant wishes to thank the Examiner noting that there is allowable subject matter. Claims 1-3, 5, 6, 17 and 18 are objected to, but otherwise are not rejected over any cited art.

Applicant amends claims 1 and 17 herein to address the points raised by the Examiner. In view of this amendment, it is submitted that claims 1-3, 5, 6, 17 and 18 are allowable.

Claim 7 is rejected under 35 U.S.C. §112, second paragraph and 35 U.S.C. §102(b) as anticipated by Waitts (5,956,164). Claims 8-9, 11-14 and 15-16 are rejected under 35 U.S.C. §103(b) as unpatentable over Waitts in view of Cowan and Wreede et al (5,499,118). Claim 10 is rejected under 35 U.S.C. §103(b) as unpatentable over Waitts, Cowan and Wreede et al and further in view of Nishikawa et al (2001/0053004). While applicant respectfully believes there is patentable subject matter, applicant cancels these claims herewith without prejudice to the right to file continuation applications directed thereto, in order to further the prosecution and place the application into allowable condition.

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The above amendments should address the objections the Examiner raised to claims 1-3, 5, 6, 17 and 18, and should remove the need to proceed with the appeal, as the application would now be allowable. Applicant intends to file a continuation application to further seek allowance of the subject matter in the canceled claims.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

Respectfully submitted,


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